

INTERAGENCY COOPERATION CONTRACT

I. CONTRACTING PARTIES and AUTHORITY

The Department of Public Safety of the State of Texas (DPS) and the Texas Juvenile Justice Department (TJJD) are contracting under the authority of Texas Government Code Chapter 771 (the Interagency Cooperation Act).

DPS certifies that it has the authority to contract for the services agreed upon by the authority granted in Texas Government Code Chapter 411, including but not limited to § 411.043.

TJJD certifies that it has the authority to contract for the services agreed upon by the authority granted in Texas Government Code Chapter 201, including but not limited to § 201.004.

This Contract is also authorized and in compliance with 47 C.F.R. §§ 90.20(a), 90.20(b), 90.179, 90.407, 90.523, and 90.525 for extending license privileges to others by agreement. Further, federal agencies are permitted access to the radio frequency (RF) System authorized by 47 C.F.R. §§ 90.179(g), 2.102(c), and 2.103, and the National Telecommunications and Information Administration (NTIA) Manual, Part 7.12.

II. BACKGROUND and PURPOSE

DPS holds certain licenses from the Federal Communications Commission (FCC) for radio frequencies in the 700 MHz band. These frequencies are administered by DPS. A subset of these radio frequencies, referred to as the "DPS Loaned Frequencies" are listed on Table 1. The DPS Loaned Frequencies will provide dispatchable public safety mobile radio services under state and federal laws and applicable FCC rules within TJJD's 700 MHz P25 trunked radio frequency system, referred to as the "RF System."

TJJD operates a regional 700 MHz RF System with the capability to provide interconnectivity and key communication links between public safety entities in Texas. TJJD has or will construct, operate, and maintain certain telecommunications equipment and facilities at various sites that will allow interoperability with other first responder communications systems.

This contract establishes the permissions, guidelines, and specific criteria for use of the DPS Loaned Frequencies and RF System by the parties to enhance communications for:

- DPS and any authorized first responder;
- Local and state law enforcement agencies of the State of Texas;
- Authorized federal agencies that serve a law enforcement or emergency/first responder purpose within Texas; and
- Private sector emergency response organizations licensed or otherwise entitled to operate in the Public Safety Pool as defined by FCC rules codified in 47 C.F.R. Part 90, Private Land Mobile Radio Services, Subpart B, Public Safety Radio Pool.

DPS authorizes TJJJ to use the DPS Loaned Frequencies for the purpose of providing voice communication needs of public safety entities during interagency operations and for tactical communications in accordance with the Texas Statewide Interoperability Channel Plan (TSICP) and the Texas Statewide Communications Interoperability Plan (SCIP). This contract is subject to changes in FCC regulations and rulings, as applicable, or DPS Loaned Frequencies. Neither party is bound by any obligations of this contract if regulatory action precludes its use. An authorized federal agency may access the RF System through this contract or other agreement as may be required by TJJJ for use of a shared system established by DPS.

III. STATEMENT OF SERVICES TO BE PERFORMED

A. DPS understands and will perform the following.

- i. Manage and maintain proper FCC licenses for the DPS Loaned Frequencies.
- ii. Remain the licensee of all DPS Loaned Frequencies.
- iii. Allow TJJJ use of the DPS Loaned Frequencies within the RF System.
- iv. Notify TJJJ within 24 hours of knowing, or having reason to know, that one or more of DPS's radio units are lost or stolen.

B. TJJJ understands and will perform the following.

- i. Comply with FCC rules and regulations and any conditions DPS sets regarding use of DPS Loaned Frequencies. Additional channels may be authorized by DPS on a case by case basis. Radio channels identified in Table 1 must only be used at the sites indicated unless otherwise amended in writing in this contract.
- ii. Provide documentation to DPS regarding the use of the DPS Loaned Frequencies. Documentation must include site locations, points of contact, latitude/longitude coordinates, effective radiated power, propagation coverage maps, and associated interference contours.
 - TJJJ must provide this documentation by completing an FCC Form 601 for each communication location where DPS Loaned Frequencies will be placed into service and must identify the number of mobile, portable, and control station radios using the channels.
 - Propagation coverage maps and associated interference contours must use FCC approved software models.
- iii. Manage the DPS Loaned Frequencies, ensuring compliance with federal, state, and local laws, ordinances, and rules, including TSICP.
- iv. Manage and maintain an accurate database of federal, DPS, and other eligible jurisdictions that operate on the RF System.
- v. Participate in regional communications planning and provide for regional radio communications operability and interoperability.
- vi. Provide talk group (channels) on the RF System for DPS's use and other state agencies. Industry standards and best practices must be used when assigning talk group (channels) so as not to overload the RF System's capacity to provide critical communications for public safety users.
- vii. Take all reasonable actions to prevent any lost or stolen radio units from gaining access to the RF System or the DPS Loaned Frequencies.
- viii. Program or assign all DPS radios with the highest radio priority level available.

- ix. Without prior written notification and written approval by DPS, TJJJ must not release any digitally or manually recorded voice or data transmissions from the RF System of any DPS talk group or individual DPS radio to any third party.
 - x. Ensure all fixed station equipment:
 - Has passed the P25 Compliancy Certification Process as detailed by the National Institute of Standards and Technology;
 - Comply with the current release of the P25 TIA-102 suite of standards;
 - Meet the criteria set forth in the P25 Statement of Requirements; and
 - Are FCC type accepted.
 - xi. Implement a procedure by which external public safety and critical infrastructure responder agencies are permitted to communicate on designated P25 system interoperable talk groups, regardless of manufacturer subscriber equipment brand name, using frequencies within the P25 system.
- C. The RF System may be used by DPS or other state agencies for daily communications within the agency or as a primary dispatch system only. The actual number of DPS and state agency radio units that will use the RF System may vary over time but this variance must not affect the conditions of this contract.

IV. CONTRACT AMOUNT

This is a zero-dollar contract. However, the parties are furthering their respective missions through this contract, which is beneficial to the State of Texas.

V. TERM OF CONTRACT, TERMINATION, and AMENDMENTS

This Contract is effective actual date of the last party to sign and will terminate one year from date of execution, or upon written request of either party with 30 calendar days' written notice, whichever occurs earlier. Additionally, this contract has three optional one-year renewal periods available. This contract may only be amended or extended by mutual written agreement of the parties.

VI. NOTICE

The respective party will provide any required notice as noted in this section. Either party may change its information in this section by giving the other party written notice and the date upon which the change will become effective.

If to DPS: Benjamin (Eddie) Wilson, Technical Services and Solutions Director, Infrastructure Operations Division, P.O. Box 4087, Austin, TX 78773. Email: Benjamin.Wilson@dps.texas.gov. Phone: (512) 424-2689

If to TJJJ: Sebastian Estades, Radio System Manager, 11209 Metric Blvd., Bldg. H, Suite A, Texas Juvenile Justice Department, Austin, TX 78758. Email: Sebastian.Estades@tjjd.texas.gov. Phone: (325) 641-9496

VII. CERTIFICATIONS

The parties certify that:

- A. The services or resources specified in this contract are necessary and authorized for activities that are properly within the statutory functions and programs for each party;
- B. The proposed arrangements serve the interest of efficient and economical administration of state government; and
- C. The services or resources agreed upon are not required by Article XVI, Section 21 of the Texas Constitution to be provided under a contract awarded to the lowest responsible bidder.

The undersigned signatories have full authority to enter into this contract on behalf of the respective Parties.

Texas Juvenile Justice Department



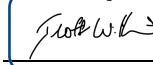
Camille Cain
Executive Director

11/6/2020

Date

Department of Public Safety of the State of Texas

DocuSigned by:



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Jeoff Williams
Deputy Director
Law Enforcement Services

11/17/2020

Date



OGC Reviewed

Table 1: DPS Loaned Frequencies

The following radio channels are loaned by DPS for use by TJJJ in accordance with the Texas Statewide Interoperability Executive Committee State Allocated 700 MHz Channel Re-Use Plan.

Channel Number	Frequency	Agency Assigned	Site Name	Latitude	Longitude
031-032	769.19375	TJJJ	Evins (Valley) ONLY	26.332717	-98.117647
075-076	769.46875	TJJJ	Evins (Valley)	26.332717	-98.117647
075-076	769.46875	TJJJ	Gainesville	33.627220	-97.090555
075-076	769.46875	TJJJ	MART	31.546944	-96.841666
075-076	769.46875	TJJJ	Ron Jackson	31.714722	-99.003611
115-116	769.71875	TJJJ	Giddings ONLY	30.171166	-96.902500
149-150	769.93125	TJJJ	Evins (Valley)	26.332717	-98.117647
149-150	769.93125	TJJJ	Gainesville	33.627220	-97.090555
149-150	769.93125	TJJJ	Giddings	30.171166	-96.902500
149-150	769.93125	TJJJ	MART	31.546944	-96.841666
149-150	769.93125	TJJJ	Ron Jackson	31.714722	-99.003611
195-196	770.21875	TJJJ	Gainesville	33.627220	-97.090555
195-196	770.21875	TJJJ	MART	31.546944	-96.841666
195-196	770.21875	TJJJ	Ron Jackson	31.714722	-99.003611
269-270	770.68125	TJJJ	Evins (Valley)	26.332717	-98.117647
269-270	770.68125	TJJJ	Gainesville	33.627220	-97.090555
269-270	770.68125	TJJJ	Giddings	30.171166	-96.902500
269-270	770.68125	TJJJ	MART	31.546944	-96.841666
269-270	770.68125	TJJJ	Ron Jackson	31.714722	-99.003611
885-886	774.53125	TJJJ	Giddings ONLY	30.171166	-96.902500

Highlighted Frequencies can only be used at these locations